

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 3/7/2016

BOARD MEMBERS PRESENT: Gayla Nickel - Chair
Paul J Weston
Gail L King
Linda A Chatburn

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Erin Anderson, Technical Records Specialist I

OTHERS PRESENT: Cai H Niu
Suzie Lindberg
Beckly Olinger, AMTA, President
Nancy Bigham, AMTA, Secretary
Kris Ellis, Eiguren Ellis Public Policy
Randy Young, Massage Envy

The meeting was called to order at 8:32 AM MST by Gayla Nickel.

LEGISLATIVE REPORT

Ms. Cory asked Mr. Toryanski to give the legislative update. He reported that the Board was part of an omnibus rule change with other Boards that will put these Boards in line with the requirements in HB-117 which passed in the 2015 Legislative Session. The bill dealt with reinstatement and renewal of licenses (Idaho Code 67-2614). Mr. Toryanski informed the Board that the omnibus rule was approved. On the last day of Legislative Session this rule will go into effect, and the reinstatement fee will change from \$25 to \$35.

Mr. Toryanski briefed the Board on HB-482. This proposal will allow the Governor to implement the requirement for all Boards to have a consumer member, and allow the Governor to consider any qualified Board member. All Board members will serve at the pleasure of the Governor.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$213,351.41 as of 2/29/2016.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. King made a motion to approve the Bureau's recommendation and authorize closure in cases I-MAS-2016-12 and I-MAS-2016-10. I-MAS-2016-10 was closed with a warning letter. It was seconded by Ms. Chatburn. Motion carried.

OLD BUSINESS

TO DO LIST

Ms. Chatburn said temporary licenses and permits may be part of HB-519 so any work on this is on hold to see if the bill passes.

Ms. Nickel presented changes to the Frequently Asked Questions page in regard to what qualifies as continuing education. Discussion was held. A motion to accept the proposed verbiage and to update to the web was made by Ms. Chatburn. It was seconded by Ms. King. Motion carried.

Discussion was held on updating the massage therapy endorsement application to update the requirements for Board review. Ms. King made a motion to update the endorsement application. It was seconded by Ms. Chatburn. Motion carried.

Ms. King said registering schools may be part of HB-519 so any work on this is on hold to see if the bill passes.

The Board held discussion and gave updates in regard to HB-519 which is being proposed by Representative Sims. This bill redefines compensation in Idaho Code 54-4002 to include that a Tuition Work-Off Program not a form of compensation, and the bill will also allow the Board the ability to draft rules for temporary license or provisional permits. If the bill passes, it will go into effect once the Governor signs it because it contains an emergency clause. Ms. Chatburn thanked Ms. Ellis and Ms. Benson for their assistance through this process.

The Board determined that they would like to invite a representative from each registered massage therapy school to the next meeting. The Board requested school representatives attend so they may discuss with the Board proposed rule

changes for the Tuition Work-Off program and implementation of HB-519. The Board is to draft questions in regard to writing proposed rules for review by all members at the next scheduled meeting.

The Board Chair asked Ms. King to form a sub-committee with Mr. Toryanski to draft a law change that will allow the Board to regulate massage therapy schools.

The Board Chair asked Ms. Chatburn to proceed with working with Mr. Toryanski in drafting rules for temporary licenses and permits.

The Chair requested that the drafted material be presented to the Board for review prior to the next meeting.

The Board Chair asked the audience to pass the word around to invite their association representatives to the next meeting as well.

The Board asked Ms. Anderson to contact the Associated Bodywork & Massage Professionals, ABMP, as well as the American Massage Therapy Association, AMTA-ID, and extend an invitation out to them to attend the next meeting as well.

NEW BUSINESS

ITEC DISCUSSION

ITEC is a nationally recognized certification company based out of the United Kingdom, giving individual schools the ability to teach certified curricula to their students. Mr. Weston had been invited by Sally Hacking, National Government Relations Consultant, to attend a meeting at ITEC. Mr. Weston said that surrounding states have accepted ITEC's certifications as CE. Mr. Weston will attend the meeting, and bring information from this meeting to the Board for discussion.

CORRESPONDENCE

The Board reviewed correspondence submitted by Mark Paul. Mr. Paul asked the Board if "stretching" was out of the scope of practice for an Idaho Massage Therapist. The Board referred Mr. Paul to Idaho Code 54-4002(7)(a), the definitions, citing that it was acceptable to teach or demonstrate to a client active or passive stretching techniques. The Board also referred Mr. Paul to Idaho Code 54-4003, the prohibitions of the massage therapy licensure act.

The Board reviewed correspondence submitted by Shirley Blackwell. Ms. Blackwell stated that it appears that a number of massage therapists are advertising and performing exempted modalities within their massage therapy sessions. Ms. Blackwell inquired if these therapists were breaking the law. She

also asked how two national associations could insure and publish reading material for the exempted modalities. The Board referenced Idaho Code 54-4003(2) stating that even though the Board does not regulate exempted modalities, nothing in the Massage Therapy Act shall prohibit, prevent or restrict a massage therapist from practicing the exempted modalities as long as the modalities are not held out to be massage or massage therapy by the therapist. The Board also stated that national associations may insure, and offer articles and continuing education on exempted modalities, but that continuing education submitted on an exempt modality would not be accepted by the Board as an acceptable form of CE for Idaho licensees.

The Board reviewed correspondence submitted by Rachel Siegler. Ms. Siegler asked the Board if she was authorized to teach basic massage techniques to her clients for use at home. The Board responded to Ms. Siegler informing her that the Board does not regulate instructors.

EXECUTIVE SESSION

Ms. Chatburn made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. King. The vote was: Ms. King, aye; Ms. Chatburn, aye; Ms. Nickel, aye; and Mr. Weston, aye. Motion carried.

Mr. Weston made a motion to come out of executive session. It was seconded by Ms. Anderson. It was seconded by Ms. King. The vote was: Ms. King, aye; Ms. Chatburn, aye; Ms. Nickel, aye; and Mr. Weston, aye. Motion carried.

CE COURSES

The Board reviewed a continuing education seminar submitted on behalf of a licensee for their CE use titled "Care Intensive". Ms. King made a motion to approve certain sections only of the "Care Intensive" course; 2 hours of Ethics, 6 hours of Essential Oil Chemistry, and 8 hours for the Raindrop technique. Included in this motion is the motion to deny the courses Vita Flex for 4 hours, and Laying on of Hands for 2 hours. The motion was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to accept the following CE courses that were submitted on behalf of a licensee:

Scleroderma: More Than Skin Deep
Lupus Remains Incurable, But Research Offers Hope
From Distress to De-Stress with Stress Management
Stalking the Silent Killer-Cardiovascular Disease

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to accept the following CE course that was submitted on behalf of a licensee:

Advanced Myoskeletal-Posture & Pain Specialist

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to accept the following CE course:

Repetitive Use Injury Therapy

It was seconded by Ms. Chatburn. Motion carried.

APPLICATIONS

Ms. Chatburn made a motion to approve the following for licensure:

MAS-2771	MICHELLE EDWARDS
MAS-2791	MADALYN COLO
MAS-2786	BRITTANY ROPP
MAS-2788	PAULA WILLIAMS-GULMAN
MAS-2789	ERIN WATERMAN
MAS-2776	XIAYING CHRISTISON
MAS-2770	ERIN GALLIHER
MAS-2780	KORI SMITH
MAS-2774	TANITH TAYLOR
MAS-2779	LAURIE ZAKRZEWSKI
MAS-2769	CAITLIN RICKERD
MAS-2689	CAIHONG NIU
MAS-2743	LINDA EDLING

It was seconded by Ms. King. Motion carried.

Mr. Weston made a motion to approve the following applicants for licensure pending receipt of additional documentation:

#901143734
#901143592
#901143914
#901142792
#901143996

It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve the following applicants for licensure pending receipt of additional information and Board Chair review:

#901143726
#901143097
#901143889
#901143797
#901034900
#901143163
#901135222
#901142986
#901142570
#901143967
#901143591
#901140662
#901140030

It was seconded by Ms. Chatburn. Motion carried.

CE AUDITS AND CE REINSTATEMENTS

The Board members reviewed and approved the CE audit, and CE for reinstatement.

NEXT MEETING was scheduled for 5/23/2016 at 8:30 AM MST.

ADJOURNMENT

Ms. Chatburn made a motion to adjourn the meeting at 2:39 PM MST. It was seconded by Ms. King. Motion carried.

Gayla Nickel, Chair

Paul J Weston

Gail L King

Linda A Chatburn

Tana Cory, Bureau Chief